

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

RUDY PHIL JAQUEZ,)	
)	
Plaintiff,)	
)	
vs.)	NO. CIV-18-1032-HE
)	
P.D. TAYLOR, et al.,)	
)	
Defendants.)	

ORDER

Plaintiff Rudy Phil Jaquez, proceeding *pro se*, brought this action under 42 U.S.C. § 1983 against Sheriff P.D. Taylor and David Prater, the District Attorney for Oklahoma County, claiming violations of his constitutional rights. He alleges excessive force and deliberate indifference claims and seeks disclosure of a surveillance video and immediate release from confinement. On March 14, 2019, U.S. Magistrate Judge Suzanne Mitchell issued a Report and Recommendation recommending (1) the dismissal with prejudice of plaintiff's claims against defendant Prater, (2) the dismissal without prejudice of plaintiff's claims against defendant Taylor, (3) the dismissal without prejudice for lack of subject matter jurisdiction of plaintiff's request for relief seeking disclosure of certain evidence in state court, (4) the dismissal without prejudice of plaintiff's challenge to his confinement, and (5) the dismissal without prejudice of plaintiff's § 1983 claims alleging excessive force and deliberate indifference to serious medical need. Plaintiff was advised of his right to

object to the Report and Recommendation by April 4, 2019. No objection has been filed.¹ Plaintiff has therefore waived his right to appellate review of the factual and legal issues addressed in the report. Cassanova v. Ulibarri, 595 F.3d 1120, 1123 (10th Cir. 2010).

Accordingly, the Court **ADOPTS** the Report and Recommendation [Doc. #23], **DENIES** plaintiff's Pro Se Request for Counsel [Doc. #24], and **DISMISSES** with prejudice plaintiff's claims against defendant Prater and dismisses without prejudice all other claims.²

IT IS SO ORDERED.

Dated this 11th day of April, 2019.


JOE HEATON
CHIEF U.S. DISTRICT JUDGE

¹ On March 21, 2019, plaintiff filed a Pro Se Request for Counsel but has not otherwise objected to the Report. The court concludes the appointment of counsel is unnecessary in the present circumstances.

² Plaintiff's pending motions [Docs. #5, 14, and 20] are now MOOT.